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December 12, 2023

**BY ECF**

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *Nunez, et al. v. City of New York et al.*, 11-cv-5845 (LTS)

Dear Chief Judge Swain:

Defendants, the City of New York (“City”) and Department of Correction (“DOC” or “the Department”) (collectively “defendants”), write to provide the Court with an update to Defendants’ November 28, 2023 letter to the Court (Dkt. No. 614) in response to the Court’s Order to Show Cause (Dkt. No. 600), in advance of the Status Conference on December 14, 2023.

As the Court is aware, recently, on December 8, 2023, Mayor Adams appointed Lynelle Maginley-Liddie as Commissioner of the Department of Correction. In recent communications with the Court, the Monitoring Team has questioned whether defendants have a true commitment to reform [see, e.g., Dkt No. 616 at 25]. Defendants respectfully submit that the Mayor’s appointment of Commissioner Maginley-Liddie, an attorney with years of experience at DOC, as well as his public statements during the press conference at which Commissioner Maginley-Liddie was formally appointed, demonstrates this strong commitment. See Transcript of December 8 2023 Press Conference available at: <https://www.nyc.gov/office-of-the-mayor/news/941-23/transcript-mayor-adams-appoints-lynelle-maginley-liddie-department-correction-commissioner>. Under the leadership of Commissioner Maginley-Liddie, Defendants are committed to an open, transparent and collaborative working relationship with the Monitoring Team to achieve the shared goals of sustained reform in the City’s jails.

In addition, to the extent prior submissions regarding the ARHU suggested that there was inadequate fire suppression in the George R. Vierno Center (GRVC) which housed the ARHU, defendants submit the Declaration of Deputy Commissioner Benn, attached hereto as Exhibit A. Deputy Commissioner Benn’s Declaration clarifies that while each individual cell at GRVC does

not have internal fire suppression, GRVC itself is equipped with a fire suppression system in accordance with N.Y.C. fire and building code, which was inspected on several recent occasions and found to be fully operational. *See id.*

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/  
John Schemitsch

cc: BY ECF  
*All counsel of record*